

1 RENE L. VALLADARES
2 Federal Public Defender
3 Nevada State Bar No. 11479
4 ADEN KEBEDE
5 Assistant Federal Public Defender
6 411 E. Bonneville, Ste. 250
7 Las Vegas, Nevada 89101
8 (702) 388-6577/Phone
9 (702) 388-6261/Fax
10 Aden_Kebede@fd.org

11 Attorney for Javier Encinas

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 JAVIER ENCINAS,

18 Defendant.

19 Case No. 2:21-cr-00263-GMN-EJY-1

20 **STIPULATION TO CONTINUE
21 BENCH TRIAL**
22 (First Request)

23 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
24 Acting United States Attorney, and Supriya Prasad, Assistant United States Attorney, counsel
25 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
26 Aden Kebede, Assistant Federal Public Defender, counsel for Javier Encinas, that the bench
trial currently scheduled on December 29, 2021 at 9:00 am, be vacated and continued to a date
and time convenient to the Court, but no sooner than ninety (90) days.

27 This Stipulation is entered into for the following reasons:

28 1. Additional time is needed for defense counsel to confer with the defendant
29 regarding a pending plea agreement that will resolve the underlying charges globally.

30 2. Mr. Encinas is in custody and agrees with the need for continuance.

1 3. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code
5 § 3161(h)(7)(B)(iv).

6 This is the first request for a continuance of the bench trial.

7 DATED this 16th day of December, 2021.

8
9 RENE L. VALLADARES
10 Federal Public Defender

11 CHRISTOPHER CHIOU
12 Acting United States Attorney

13 /s/ *Aden Kebede*
14 By _____
15 ADEN KEBEDE
16 Assistant Federal Public Defender

17 /s/ *Supriya Prasad*
18 By _____
19 SUPRIYA PRASAD
20 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
v.
JAVIER ENCINAS,
Defendant.

Case No. 2:21-cr-00263-GMN-EJY-1

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Additional time is needed for defense counsel to confer with the defendant regarding a pending plea agreement that will resolve the underlying charges globally.

2. Mr. Encinas is in custody and agrees with the need for continuance.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, December 29, 2021, at 9:00 a.m., be vacated and continued to April 13, 2022 at the hour of 9:00 a.m., in Courtroom 3D.

DATED this 16th day of December, 2021.

Rayna J. Zouchal
UNITED STATES MAGISTRATE JUDGE